



RCD Outlook 2002

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Total Irrigation Management in Stanislaus County

In 2001, the DOC awarded the West Stanislaus RCD grant funding to purchase and implement a Total Irrigation Management (TIM) program. Using this funding, the RCD secured additional resources from CALFED. The district can now provide, free of charge, TIM services to 20 local landowners. Bill Power of Power Hydrodynamics is installing monitoring sites throughout the county on behalf of the RCD.

Within the San Joaquin Valley, agriculture is of vital importance. The industry provides jobs, contributes to the local tax base, and is a major producer of food products for both the United States and international markets. Farmers, like other business owners, are concerned with escalating costs and preserving resources, especially water.



Bill Power and assistant insert an access tube.

reduces water runoff, provides for increased moisture distribution uniformity, and minimizes soil erosion.

Farmers that volunteered for the program will have two monitoring sites installed on their field. During installation, initial data is collected, such as soil type and basic information pertaining to their irrigation system. In addition, a tube is inserted into the ground to provide access for the measuring probe. During the irrigation season, measurements will be taken on a weekly basis using a portable probe to determine soil moisture content. The

Recognizing the importance of farming to the local community, the West Stanislaus RCD decided to assist farmers in reducing costs, increasing productivity, and using water more efficiently. TIM uses soil moisture readings and weather information from the California Irrigation Management Information System (CIMIS) to develop an irrigation schedule that



Bill Power demonstrates data collection using hand held data logger.

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NEPA: Facts and Information

The National Environmental Policy Act of 1969, commonly known as NEPA, is a flexible law that gives federal agencies considerable discretion in its implementation. Each federal agency has regulations or procedures that govern the specifics of its NEPA process. Even within a single federal agency, officials have the authority to carry out their NEPA responsibilities at varying levels of compliance. Some federal agency NEPA decisions differ among actions, action locations, regional or district offices and even federal agency staff members. Some agencies issue their procedures as regulations while others issue them as agency guidance documents. Those that are codified as regulations appear in the Code of Federal Regulations (CFR).

An agency's approach to NEPA compliance tends to fall into three broad categories: bare legal minimum, good practice, and overkill. Bare legal minimum is just what it sounds like. The agency's environmental review is just enough to meet the letter of the law. Good practice on the other hand, is a good faith effort to fully integrate NEPA into the agency's decision-making process. Overkill usually occurs in high profile cases where an agency studies everything it can, in as much detail as possible, producing documents that are not usable by decision makers because they are too heavy to hold up while reading.

Obviously, there is a practical correlation between the time an agency takes to evaluate and document a project's environmental impacts, and the risk of public opposition that a project may face as a result of that review (or lack thereof).

The NEPANet is an invaluable tool to understanding the complexities of NEPA. Among its many links you will find an alphabetical listing of all the federal agencies that have implemented procedures for NEPA as well as a where to locate the procedures. Links are provided for agencies that publish their procedures on the Internet.

You will find NEPANet at <http://ceq.eh.doe.gov/nepa/nepanet.htm>

Editor's Note: This article was prepared from information provided in The NEPA Book (Second Edition) written by Ronald Bass, Albert Herson and Kenneth Bogdan, and published by Solano Press Books.

Total Irrigation Management

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probe measures electrical capacitance. Information is entered into a hand held data logger and ultimately downloaded into a personal computer. Using the Precision Irrigation Scheduling Method (PRISM) software program, the data is integrated with weather information from CIMIS and analyzed to develop an irrigation schedule. The information generated will allow the grower to develop an irrigation schedule unique to his property and crops. Fields will be monitored for three years. This allows farmers time to evaluate the effectiveness of any changes that were implemented.

The RCD believes that TIM will provide farmers with an effective tool to increase productivity, reduce water use, and ultimately boost profits. Once again, an RCD is providing critical support to their local community, while simultaneously preserving precious resources.

Written by Robert Shun, RCD Assistance Program Grant Manager

Watershed Coordinator Grant: Partial Funding Extension!

The CALFED Bay-Delta Program has agreed to provide \$1.1 million in additional funding for RCD Watershed Coordinators within the CALFED Solution Area. This will allow the Department of Conservation to extend existing contracts for RCDs within the Solution Area approximately 18 months. Department staff will be contacting RCDs in the Solution Area within the next week to ask them to prepare revised work plans and performance measures, focusing on CALFED issues and opportunities. (The CALFED Solution Area generally covers all watersheds draining through the Sacramento-San Joaquin Delta, and those Central and Southern California watersheds that receive imported State Water Project or Central Valley Project water.)

The Department continues to aggressively search for funding sources to continue the Watershed Coordinator Grant Program in other portions of the state. We will update RCDs on the funding situation for other districts as it becomes clearer. However, in a year where state government is facing a large funding gap, any continuation of the current pilot program must be seen as a very positive step. We congratulate the districts for making this happen— due to the hard work of the districts and the coordinators in making the pilot program a real success, we were able to maintain funding a very difficult budget year.

If you have any questions on the program extension, please contact Andrew Rush at (916) 323-4163.

RCD Internet Resources

There are several resources available online that may be helpful to RCDs in their day to day operations. The following is a list of websites and a brief summary of their subject matter.

For information on pending legislation, California laws pertaining to RCDs, or Legislative Publications, visit the Official California Legislative Information site maintain by the Legislative Council at: <http://www.leginfo.ca.gov>

For information regarding California RCDs, grant sources or other conservation resources, visit Jean Saffel's website at:

<http://www.cyber-sierra.com/area9/frameset.html>

Jean also maintains a website for the CARCD Watershed Information Sharing Project. The website contains a wealth of information about RCDs and includes copies of annual and long range plans as well as contact information for most of the 103 California RCDs.

You can visit the site at: <http://www.carcd.org/wisp/wisframeset.htm>

Don't forget to visit the CARCD website at: <http://www.carcd.org> for up-to-date information about grant opportunities, workshops and other RCD interests.

DOC also maintains a website where RCDs can find information about grant opportunities, RCD operations, training opportunities and much more. Be sure to stop by for a visit at:

<http://www.consrv.ca.gov/dlrp/rcd>

The California Public Records Act

RCDs are included within the definition of "local agency" under section 6252(b) of the California Public Records Act. As public agencies, RCDs are subject to the requirements of the Act regarding inspection and disclosure of public records. It is important to note that many RCDs have records that are shared with NRCS. Records shared with NRCS may fall under the Federal Freedom of Information and Privacy Act. The RCD must work with the NRCS District Conservationist and NRCS FOIA officer to determine if a requested record is shared or not. If a record is not shared with NRCS the RCD must follow the state Public Records Act. The full text of the Act can be found online at <http://www.leginfo.ca.gov> in Government Code sections 6250-6270.

A public record includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. This includes all documents, email, faxes, letters, or any other form of written record pertaining to RCD business. For example, an email the district president sends to the district manager regarding an upcoming meeting would most likely be considered a public record. As a general rule, records requested under the California Public Records Act are subject to disclosure and inspection unless they fall within a specific statutory exemption, or the public interest



served by withholding the document clearly outweighs the public interest served by disclosure of the document. If a document or record contains exempt information, the agency generally must redact the exempt information and disclose the remainder of the document/record. For instance, if a

requested document contained a credit card number, which would be exempt from disclosure, the RCD would redact the number and release

the rest of the document. Each RCD should consult its legal counsel to determine if a document/record is exempt from disclosure and to develop a policy for dealing with records requests pursuant to the California Public Records Act. The following are key points to remember when developing such a policy:

- * The RCD must respond to a public records request within 10 days from receipt of the request. (Government Code section 6253(c)) The time may be extended, in unusual circumstances, by no more than 14 days through written notice from the president of the RCD to the requesting party. Unusual circumstances include a request that requires an extended search, the records requested are voluminous, the request requires consultation with another agency, or the request requires the compilation of data or a computer program to extract data. If the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available, either by photocopying or inspection at the RCD office during normal business hours.
- * Legislation enacted in September 2001 (AB 1014) amends section 6253 and adds section 6253.1 to the Act to impose additional duties and responsibilities on local agencies in connection with requests for inspection of records. In order to assist the member of the public who made the request, a public agency must help the member of the public identify records and information responsive to the request or to the purpose of the request. Additionally, the new law

requires public agencies to describe the information technology and physical location in which the records exist and provide suggestions for overcoming any practical basis for denying access to the records or information sought. These additional requirements will be deemed satisfied if the agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the records. These additional requirements do not apply if the records requested have been made available, the agency determines that the request should be denied based on an exemption listed in the Act, or the agency makes available an index of its records.

- * Documents prepared in connection with pending litigation, documents protected by the attorney client privilege, documents protected as attorney work product and official information acquired in confidence by a public employee in the course of duty are listed as exemptions from disclosure under the Act. Government Code section 6254(k).
- * Other express exemptions include records relating to: securities and financial institutions; utility, market and crop reports specifying the nature, extent, type or magnitude of crops being grown; appraisals and feasibility reports; gubernatorial correspondence; legislative counsel records; personal financial data used to establish a license applicant's personal qualifications; home addresses; corporate financial records; corporate proprietary information, including trade secrets; personnel records; investigative records; preliminary notes, drafts and memos not retained in the ordinary course of business, as long as the public interest in non-disclosure clearly outweighs the public interest in disclosure; and material designated confidential by other state or federal statutes. Government Code sections 6254, 6254.5, 6254.15.
- * The deliberative process privilege found in Government Code section 6255 is designed to protect the process by which policy decisions are made. It does not protect facts from disclosure. Records reflecting an agency's/RCD's final decision and the reasoning supporting that decision are disclosable. This exemption requires a balancing test to determine whether the public interest in maintaining the deliberative privilege outweighs the public interest in disclosure of the particular information. To withhold a record under section 6255, an agency must demonstrate that the public's interest in nondisclosure clearly outweighs the public's interest in disclosure. It is important to note that the public's interest is being weighed, not the RCD's. If the record contains both factual and deliberative materials, the deliberative materials or information may be redacted and the remainder disclosed.
- * Records are open to inspection during office hours at the RCD's office. Copies of records may be obtained by payment of a reasonable fee covering the costs of duplication. Government Code section 6253
- * A member of the public may enforce in court his or her right to inspect an agency's records. If an agency's decision to withhold a record is successfully challenged in court, the challenger can recover court costs and attorneys' fees from the agency.

Note: The above information is not intended to be used as legal advice or opinion, only as a guideline for Resource Conservation Districts responding to requests for public records. The Department of Conservation assumes no responsibility for improper or incorrect use of the information provided.

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[www.consvr.ca.gov/
dlrp/RCD/index.htm](http://www.consvr.ca.gov/dlrp/RCD/index.htm)

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The RCD Outlook newsletter is intended to provide RCDs with helpful tips and updates on RCD work statewide. If you would like to be added to the mailing list please feel free to call the RCD program staff at 916-324-0774 or send an email to rcd@consvr.ca.gov.